



CITY COUNCIL

AGENDA REQUEST

AGENDA OF:	10/02/07	AGENDA REQUEST NO:	III B
INITIATED BY:	DOUGLAS SCHOMBURG, AICP ASST. PLANNING DIRECTOR <i>Douglas P. Schomburg</i>	RESPONSIBLE DEPARTMENT:	PLANNING
PRESENTED BY:	SABINE SOMERS-KUENZEL, AICP DIRECTOR OF PLANNING	DEPARTMENT HEAD:	SABINE SOMERS-KUENZEL, AICP DIRECTOR OF PLANNING <i>AS</i>
		ADDITIONAL DEPARTMENT HEAD (S):	N/A
SUBJECT / PROCEEDING:	REZONING OF APPROXIMATELY 31 ACRES FROM MIXED USE CONSERVATION (MUC) DISTRICT TO BUSINESS OFFICE (B-O) DISTRICT SECOND READING OF ORDINANCE NO. 1641		
EXHIBITS:	CURRENT MUC DISTRICT MAP, MAP OF PROPOSED REZONING TO B-O, PREVIOUS REZONING CASE INFO, PROPOSED ORDINANCE NO. 1641, HISTORY OF MEETINGS AND MILESTONES		
CLEARANCES		APPROVAL	
LEGAL:	MEREDITH WILGANOWSKI, <i>YHAW</i> ASST. CITY ATTORNEY	EXECUTIVE DIRECTOR:	JIM CALLAWAY <i>Jim Callaway</i> COMMUNITY DEVELOPMENT
PURCHASING:	N/A	ASST. CITY MANAGER:	N/A
BUDGET:	N/A	CITY MANAGER:	ALLEN BOGARD <i>Allen Bogard</i>
BUDGET			
EXPENDITURE REQUIRED: \$		N/A	
AMOUNT BUDGETED/REALLOCATION: \$		N/A	
ADDITIONAL APPROPRIATION: \$		N/A	
RECOMMENDED ACTION			
The Planning and Zoning Commission unanimously recommends approval of the proposed rezoning.			

EXECUTIVE SUMMARY

This proposed rezoning is the first of two items with second readings related to the Mixed Use Conservation (MUC) District Strategic Project. The proposal, which was overviewed by Council in a workshop on August 28, 2007, is to rezone approximately 31 acres within the MUC District to Business Office (B-O), which removes several large tracts of land to the south of Guenther along Matlage Way from the District.

In September 2005, Council directed the Planning team to study the Mixed Use Conservation District and come up with options to increase the predictability and effectiveness of the district. The project began in early 2006 with public input. Council requested that we involve community stakeholders that have a direct interest in any potential changes to the MUC. In April of 2006, we held two stakeholder meetings to introduce the project, discuss the framework that the Council had provided in January of that year, and solicit initial input. Initial public input included recognition that:

- The area is special;
- The current regulations and process are complex, cumbersome, and unpredictable; and,
- New regulations should encourage and incent preservation of structures without overregulation.

During the subsequent months, the staff team conducted fieldwork, analysis, and research, identifying characteristics of the area. While we found little in common on the nonresidential properties, we did find definite development and building style patterns in the area. We took all of our initial recommendations to the stakeholder group and held two meetings – one in January 2007 where some changes were suggested, and a final meeting in late April. The result was general concurrence of the stakeholder group.

The recommendation to rezone some of the acreage to B-O is based on the fact that none of these sites shares common characteristics with the core of the MUC district. These sites include City-owned facilities, a US Post Office, a nursing home, and a church. Reducing the district allows us to focus on the true character of the area and to create standards that reflect the existing development pattern.

Following two workshops in 2007 with the Planning and Zoning Commission on the MUC District Strategic Project, a Public Hearing was held on July 26, 2007 with the Commission regarding the rezoning proposal. The Commission August 14, 2007, the Commission voted unanimously to recommend approval of the 31 acre rezoning to Business Office (B-O) District. Additional information is attached.

File No. 8357

EXHIBITS

SUPPLEMENTAL INFORMATION:

PUBLIC HEARING:

Per Chapter Two, Article I of the Development Code, a notice of this Public Hearing was posted in a newspaper of general circulation and property owners within the MUC District and within 200' of the District were notified by mail. In addition, the hearing notice was published on the City of Sugar Land Internet Home Page. At the time of this report, we have received three inquiries which were informational in nature.

PLANNING AND ZONING COMMISSION ACTION:

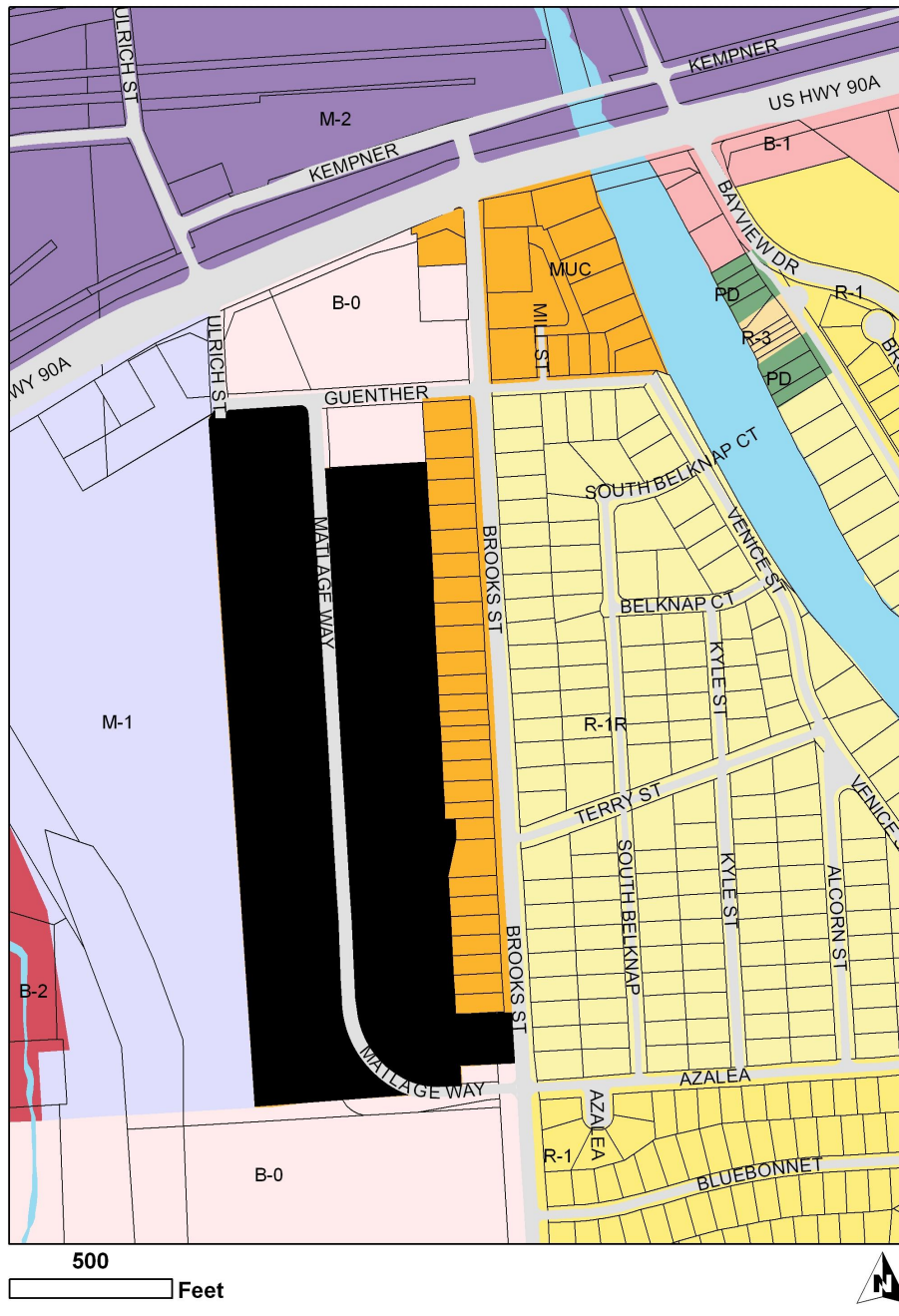
On June 28, 2007 the Planning and Zoning Commission received a workshop by staff on various components of the rezoning and Development Code amendments for the Mixed Use Conservation (MUC) District Strategic Project. A Public Hearing for this item was held at the Planning and Zoning Commission Meeting of July 26, 2007 where two members of the Public spoke with regard to the proposed rezoning. The speakers were not opposed to the B-O zoning but requested that fencing be required between the west boundary of the lots along Brooks Street and the east boundary of the proposed B-O rezoning. The Commission discussed the proposed boundary changes and also requested that staff further examine the issue of rezoning to the north of Guenther Street. Following further review, the proposed rezoning was brought back for Consideration and Action at the Commission meeting of August 14, 2007 with no changes to the MUC District boundaries to the north of Guenther Street. Following discussion, the Commission unanimously recommended approval of the proposed rezoning to the Mayor and Council.

MUC District Boundaries



Proposed Rezoning in Mixed use Conservation (MUC) District to Business Office (B-O) – 31 ac

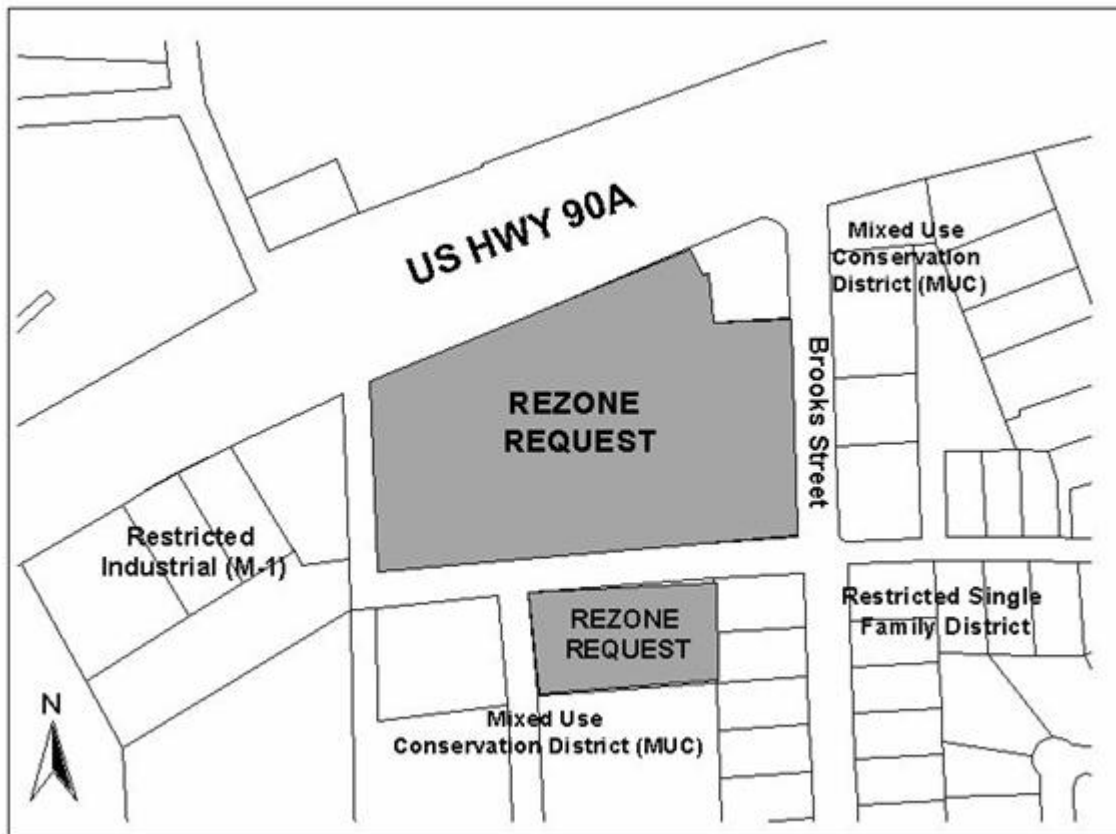
Rezoning - Business Office (B-O)



Key Zoning History Maps: MAP 1 OF 2

Imperial Sugar Company Property Rezoning in MUC District: 2002

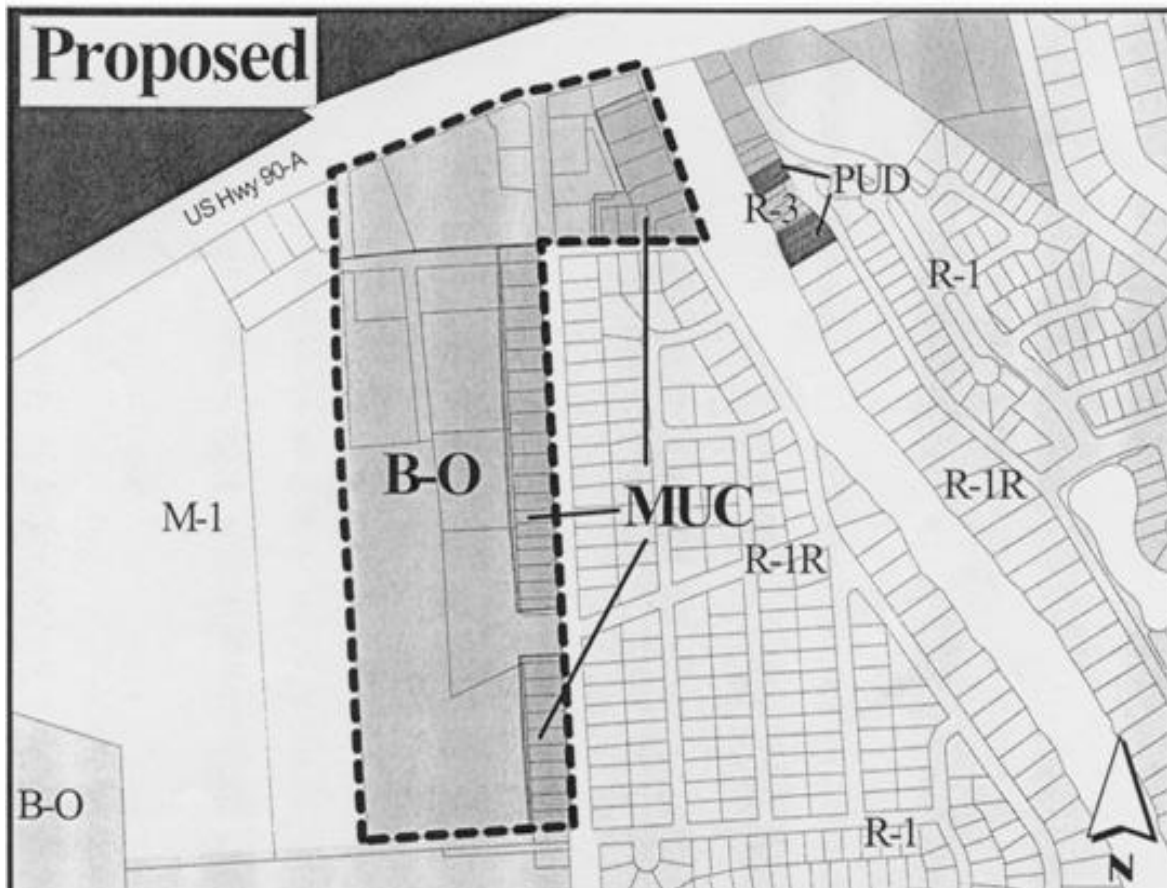
- Imperial Sugar Company requested Business Office (B-O) zoning for company property within MUC District
- MUC District to Business Office (B-O) District reviewed by Commission
- Received recommendation from Commission for B-O District
- City Council rezoned the two areas to B-O in September of 2002
- Sugar Land Employees Credit Union subsequently constructed on acreage south of Guenther Street



Key Zoning History Maps: MAP 2 OF 2

Excerpt from Planning and Zoning Commission Staff Report: 1999
Prior discussion on potential of rezoning portion of District to B-O

- Only original residential lots would remain in MUC District
- Brought forth as discussion item at Commission during MUC District amendments
- No Commission recommendation to change boundaries in 1999
- 1999 discussion took place less than two years after MUC District creation



ORDINANCE NO. 1641

AN ORDINANCE OF THE CITY OF SUGAR LAND, TEXAS, PROVIDING FOR A CHANGE OF ZONING FROM MIXED USE CONSERVATION ZONING DISTRICT (MUC) TO BUSINESS OFFICE ZONING DISTRICT (B-O) FOR APPROXIMATELY 31 ACRES OF LAND LOCATED ALONG MATLAGE WAY BETWEEN GUENTHER AND AZALEA STREETS; THE EAST SIDE OF BROOKS STREET BETWEEN U.S. 90A AND GUENTHER STREET; AND ALONG THE SOUTH SIDE OF U.S. 90A EASTBOUND FROM GUENTHER STREET TO OYSTER CREEK.

WHEREAS, in 2006 the City Council directed the City's Planning Staff to study the development regulations in the MUC District; and

WHEREAS after receiving public input, the City's Planning Staff put forth several proposals and recommendations; and

WHEREAS, the Planning and Zoning Commission approved a recommendation to rezone approximately 31 acres of land along Brooks Street and Matlage Way from MUC to B-O; and

WHEREAS, the City Council held a public hearing on the proposed amendment for which notice was published at least fifteen days prior to the hearing date;

WHEREAS, the City Council finds that the zoning change complies with the City's comprehensive plan; NOW, THEREFORE;

**BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF SUGAR LAND, TEXAS:**

Section 1. That the zoning district classification of approximately 31 acres of land as shown in Exhibit A, attached to and incorporated into this ordinance by reference, is changed from Mixed Use Conservation zoning district classification (MUC) to Business-Office zoning district classification (B-O) under the comprehensive zoning ordinance of the City of Sugar Land, Texas.

Section 2. That the City's official zoning map is amended to show the change in zoning district classification.

APPROVED on first consideration on _____, 2007.

ADOPTED upon second consideration on _____, 2007.

David G. Wallace, Mayor

ATTEST:

Glenda Gundermann, City Secretary

Reviewed for Legal Compliance:

Meredith Wilganska

Attachment: Exhibit A – Proposed Rezoning in Mixed Use Conservation (MUC) District

Rezoning / Code Amendment



EXHIBIT A

Description of Property to be Rezoned B-O

Parcel #	Legal Desc.
0097-00-000-4400-907	0097 S M WILLIAMS, ACRES 1.04, CITY HALL & COMMUNITY CENTER, (EXEMPT)
0097-00-000-4550-907	0097 S M WILLIAMS, TRACT 1, ACRES 2.887, EXEMPT
4045-01-000-0010-907	HWY 90A COMMERCIAL PARK SEC 1, ACRES 36.9210, PARK RESERVE 1, EXEMPT *ONLY THE PORTION OF THIS TRACT THAT IS CURRENTLY ZONED MUC IS PROPOSED FOR REZONING TO B-O (APP. 10 AC.)
4045-01-000-0020-907	HWY 90A COMMERCIAL PARK SEC 1, ACRES 4.6778, PARK RESERVE 2, EXEMPT
0097-00-000-4201-907	0097 S M WILLIAMS, ACRES 4.343, RESERVE "A", SUGAR LAND BIBLE CHURCH REPLAT *DOES NOT INCLUDE PORTION FRONTING ON BROOKS ST.
0097-00-000-4520-907	0097 S M WILLIAMS, ACRES 2.5130
0097-00-000-4522-907	0097 S M WILLIAMS, ACRES 2.97, EXEMPT
	MATLAGE WY. RIGHT-OF-WAY *ONLY THE PORTION THAT IS IN THE MUC

History of Meetings and Milestones -

January 24, 2006	City Council Meeting- Direction for MUC Dist. Strategic Project <i>Establishment of Project Scope & Framework</i> <ul style="list-style-type: none">• <i>Separate historic preservation options from this project</i>• <i>Investigate options to replace the CUP process with dev. standards</i>• <i>Focus on the physical pattern of the area</i>• <i>Actively involve the Planning & Zoning Commission and public</i>
March 14, 2006	Planning & Zoning Commission Workshop <i>Overview of Project – Commission direction for April 07 Public Input Meetings</i>
April 10 & 13, 2006	Public Input Meeting (Community Center) <i>Recognition of special characteristics of MUC Dist. area, current regs. / processes are not predictable, and desire to encourage preservation</i>
Summer 2006	Fieldwork in MUC District <i>Data collection, research, and field investigation / documentation</i>
Fall 2006	Additional Staff Research <i>Aerial photo analysis / CAD property info / building classification</i>
December 12, 2006	Planning & Zoning Commission (Update) Workshop
January 8, 2007	Public Input Meeting (Community Center) <i>Input of reduction of Dist. Size, Stds. For Admin. Approvals, interest in additional uses (ex. antique shop / accounting)</i>
January 9, 2007	Planning & Zoning Commission (Update) Workshop
January 16, 2007	City Council (Update) Workshop
April 30, 2007	Public Input Meeting (Community Center) <i>Further input on basing dev. regs. for approvals on specific areas w/in dist., desire for flexibility behind existing structures toward rear</i>
May 2007	Compilation of Options & City Manager Briefing <i>City Manager direction to proceed to Commission</i>
June 28, 2007	Planning & Zoning Commission Workshop <i>Overview of proposed recommendations and input</i>
July 26, 2007	Planning & Zoning Commission Public Hearing and discussion
August 14, 2007	Planning & Zoning Commission recommendation of approval